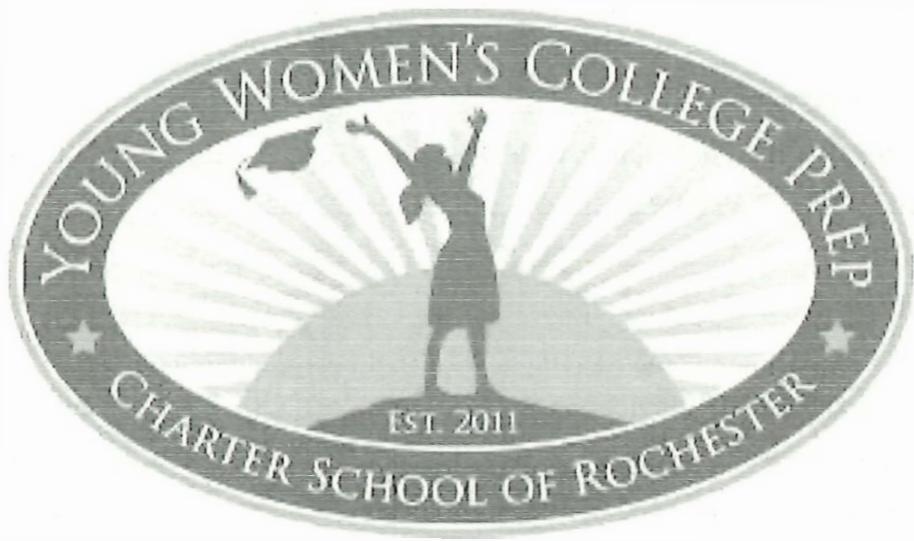


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FMLA

**YWCP EMPLOYEE HANDBOOK**

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## LEAVES OF ABSENCE

### Family Medical Leave

YWCP will grant family medical leave in accordance with the Family Medical Leave Act of 1993 ("FMLA"). Any questions regarding FMLA leave may be directed to the Director of Operations.

#### *Eligibility Requirements and Leave Entitlement*

Employees may be eligible for FMLA leave if they have: 1) worked for YWCP for at least 12 consecutive months; and 2) worked at least 1,250 hours during the previous 12 months. An eligible employee may take up to 12 weeks of FMLA leave:

- Because your own serious health condition prevents you from performing your job;
- For the birth of your child and/or to care for the child during the first 12 months following birth;
- For the placement of a child with you for adoption or foster care and to care for the child during the first 12 months following placement; or
- To care for your spouse, son, daughter or parent who has a serious health condition; or
- Because of a qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on or is called to active duty in the armed forces in support of a contingency operation.

Additionally, an eligible employee may take up to 26 weeks of unpaid, job-protected FMLA leave during a single 12month period to care for a spouse, parent, child, or nearest blood relative in the Armed Forces who has suffered a serious illness or injury in the line of duty while on active duty.

The relevant 12-month period used to determine eligibility for FMLA Leave will be calculated on a rolling 12-month basis, which is measured backwards from the date the employee uses FMLA leave.

The maximum amount of FMLA leave that an eligible employee may take during the single 12-month period is 26 weeks.

Leave to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child and such leave must be taken in consecutive days. Where both husband and wife are employed by the School and are each eligible for FMLA leave, the total amount of leave that they both may be entitled for the birth/adoption/foster placement of a child, or to care for their own or an immediate family member's serious health condition, is 12 weeks, combined. The total amount of leave that both may be entitled to care for a service member seriously injured in the line

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of duty is 26 weeks, combined.

In certain circumstances, an eligible employee may take their FMLA leave entitlement on an intermittent or reduced schedule basis, rather than in 1 block. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

An eligible employee may use intermittent leave or reduced schedule leave:

- Because of one's own serious health condition, to care for a parent, son, or daughter with a serious health condition, or for Military Caregiver Leave, if there is a medical need for leave and such medical need can be best accommodated through leave on an intermittent or reduced schedule basis.
- For Qualifying Exigency Leave.

An eligible employee may use intermittent or reduced schedule leave after the birth or placement of a healthy child only if the School agrees.

If an employee needs intermittent leave or reduced schedule leave for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the School's operations.

In certain circumstances, the School may require an employee to transfer temporarily, during the period that the intermittent or reduced schedule leave is required, to an available alternative position (with equivalent pay and benefits) for which the employee is qualified and that better accommodates recurring periods of leave than the employee's regular position.

If an Instructional Employee needs intermittent leave and the employee would be on leave for more than 20% of the total number of work days over the period the leave would extend, the School may require the employee to:

- Take leave for a period or periods of a particular duration, not greater than the duration of the treatment; or
- Transfer temporarily to an available alternative position for which they are qualified, with equivalent pay and benefits, which better accommodates recurring periods of leave.

## ***Benefits and Pay During FMLA Leave***

The FMLA leave period is inclusive and will run currently with any paid leave, such as Vacation Leave, Sick Leave, Personal Leave or short-term disability. Approved FMLA leave allows for continuation of certain benefits at the same level and under the same

conditions as if the employee had continued to be at work during the leave period. The employee will be required to contribute the same portion of the premium(s) that the employee would be required to contribute had they not been on FMLA leave.

#### ***Employee's Responsibilities When Requesting FMLA Leave***

If the need for leave is foreseeable, the employee must notify the Principal or his or her designee at least 30 days in advance before the FMLA leave begins. If the need to use FMLA leave is not foreseeable, the employee must notify the Principal or his or her designee as soon as practical. Employees are expected to provide notice in accordance with this Policy, as well as the School's usual and customary notice requirements, which means that notice of the need for unforeseeable FMLA leave should ordinarily be given with as much advance notice prior to the start of the employee's workday as possible, absent unusual circumstances. Failure to provide such notice may be grounds for delaying the start of the FMLA leave or denying the request for leave. Moreover, when submitting a request for leave, the employee must provide sufficient information for the School to determine if the leave might qualify for FMLA leave, and also provide information on the anticipated date when the leave would start, as well as the anticipated duration of the leave.

The employee will be requested to fill out the Request for Leave of Absence Form and the appropriate medical certification form which can be obtained from the Business Office. When required, the employee must provide a copy of the medical certification before the leave begins or within 15 calendar days from the date the leave was requested. Failure to submit the medical certification could jeopardize the employee's rights under FMLA to items such as health insurance and job restoration.

The School reserves the right to request a second opinion by another health care provider designated or approved by the employer. The School will pay for the second opinion, which will be rendered by a health care provider other than one used on a regular basis by the School. In the event a conflict occurs between the first and second opinion, the School may, at its own expense, obtain a third opinion from a health care provider approved jointly by the School and the employee. This third opinion will be binding and final.

#### ***Notification of Eligibility & Designation of FMLA Leave***

As required by law, absent extenuating circumstances, the School will notify an employee in [writing---do we want this in writing or required to be in writing need we specify it is in writing?] of his or her eligibility for FMLA leave within 5 business days after the employee submits his or her request for leave, or after the School is otherwise aware of the employee's need for such leave. Such notice is required to specify any additional information required (e.g., any certifications) as well as the employee's rights and responsibilities. If the School determines that an employee is not eligible for FMLA leave, the School will notify the employee and provide a reason for the ineligibility. The School

also will inform an employee if his or her leave will be designated as FMLA leave and the amount of leave counted against the employee's FMLA leave entitlement. If the School determines that the leave is not FMLA leave, the School will notify the employee and provide a reason.

#### *Reporting While on FMLA Leave*

While on leave, employees are required to contact the Director of Operations or the Principal at least once every month to report on their status and intent to return to work. In addition, the employee must give notice as soon as possible, within two business days, if the dates of the leave change or are extended.

#### *Return to Work at the Conclusion of FMLA Leave*

Except as otherwise permitted by the FMLA, an employee who takes FMLA leave will be restored to the position they held when the leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The taking of such leave under FMLA will not result in the loss of any benefit that accrued prior to the start of such leave.

The School may require an employee to present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. If the employee fails to provide the requested fitness-for-duty certification to return to work, the School may delay restoring the employee to his or her position until he or she submits the certification.

An employee, who fails to return to work on the date designated by his or her doctor or exceeds the maximum time allowed without obtaining an approval from the Principal, will be considered to have voluntarily quit and the School may recover the premiums that it paid for maintaining coverage during any period of unpaid leave except for the following circumstances: (1) the continuation, reoccurrence or onset of a serious health condition of the employee or the employee's family member with proper medical certification; or (2) circumstances beyond the employee's control.

In accordance with FMLA, the School will not: interfere with, restrain, or deny the exercise of any right provided under FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the School for any alleged violation of FMLA.

#### *Special Considerations for Instructional Staff*

If an Instructional Employee's FMLA leave is to begin more than 5 weeks before the end of the term, the School may require the employee to continue taking leave until the end

of the term if:

- The leave will last at least 3 weeks; and
- The employee would return to work during the 3-week period before the end of the term.

If an Instructional Employee's FMLA leave begins during the 3 weeks before the term due to birth, adoption, caring for a family member or covered service member, the School may require the employee to continue taking leave until the end of the term if the leave will last more than 5 working days.

### **Bone Marrow Donation Leave**

Employees who work an average of twenty (20) hours or more each week are eligible to receive up to twenty-four (24) hours of unpaid leave to donate bone marrow. Employees must provide the Principal with a written physician verification of the purpose and length of each leave. The School strictly prohibits discrimination against any employee because he or she has requested or obtained a leave for the purpose of undergoing a medical procedure to donate bone marrow.

### **Blood Donation Leave**

Employees are permitted to take unpaid leave for off-premises blood donation at least once per calendar year for a three (3) hour duration during his or her regular work schedule. The School may elect to provide employees wishing to donate blood with other blood donation leave alternatives. Leave taken under the blood donation leave alternatives shall be paid leave. Further information about possible alternatives to off-premises donations may be obtained from Human Resources.

All employees wishing to take leave time to donate blood shall provide reasonable notice to the Principal or his or her designee. Generally, at least three (3) working days' notice shall be provided for off-premises donation. The School shall work with employees to ensure that they are provided with sufficient time to donate blood off-premises or are provided with other acceptable alternatives in compliance with applicable law. Employees making off-premises donation shall be required to show proof of blood donation upon return to work.

The School strictly prohibits any form of discrimination against employees requesting or obtaining leave for blood donation.

### **Rights of Nursing Mothers**

An employee may take reasonable unpaid break time, defined here as no less than twenty (20) minutes, and generally no more than thirty (30) minutes, at least once every three (3) hours, to express breast milk for her nursing child for up to three (3) years following child birth. An employee may also take paid break time or meal time each day for this same purpose. An employee may also work before or after her normal shift to make up

the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the School's normal work hours. The School will make reasonable efforts to provide a designated location, in close proximity to the work area, for employees to express milk in privacy.

An employee wishing to avail herself of this benefit is required to give the Principal advance notice. Such notice shall preferably be provided prior to the employee's return to work following the birth of her child in order to allow the School an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

The School strictly prohibits discrimination against any employee who chooses to express breast milk in the workplace.

### **Election/Voting Leave**

If an employees' regular work hours do not allow them sufficient time to vote in any election outside their work hours, up to two (2) hours paid time off may be used to vote. "Sufficient time" means 4 consecutive hours from the opening of polls to the start of work or 4 consecutive hours from the end of work to closing of polls. If this is necessary, employees must notify the Principal at least two days prior to the election.

### **Witness and Victim Leave**

If an employee is a witness or victim of a crime, they will be provided with up to two weeks paid leave in order to appear in court as a witness, consult with prosecutors and exercise any rights under the law. Once this time is exhausted, the employee's absence can be charged against their leave time. The School may require proof of the need for time off.

### **Religious Observance**

YWCP will make reasonable efforts to accommodate the religious beliefs of individual employees. An individual who would like time off to observe a religious holy day may use his or her Vacation or Personal Leave, if available, or take an unpaid leave for observance.

### **Military Leave**

Leaves of absence without pay for military or Reserve duty will be granted to all eligible employees, as required by law. If an employee is called to active military duty or to Reserve or National Guard training, or if he/she volunteers for the same, the employee should notify the Principal and submit copies of the military orders to him or her as soon as it is practical. The employee will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws. If the employee is a reservist or a member of the National Guard, he/she will be granted time off without pay for required military training. Employees may use available accrued paid time off to cover all or a portion of a military leave of absence. Continuation of health care benefits and the employee's eligibility for reinstatement after the military duty or training is completed will be determined in accordance with applicable federal and state

laws.

Employees regularly working 20 or more hours per week may be entitled up to ten (10) days of unpaid military spouse leave if their spouse is serving in the US armed forces, National Guard or Reserves and is on leave from deployment during a period of military conflict.

#### **Statement of Leave Status**

Statements of the status of each employee's accrual and use of leave may be provided periodically to that employee by the Principal or by his or her designee. Any employee may request a status report on his or her leave use to date and available leave accruals by submitting an email or written request to the Director of Operations.